

Message Text

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PAGE 01 SAN JO 05058 01 OF 04 032236Z
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UNCLAS SECTION 1 OF 4 SAN JOSE 5058
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PAGE 02 SAN JO 05058 01 OF 04 032236Z

MEXICO FOR REGIONAL FISHERIES ATTACHE

E.O. 11652: N/A
TAGS: EFIS, LOS, EC, PFOR, CS
SUBJECT: NEW TUNA TREATY: RAPPORTEUR'S REPORT FROM SAN JOSE TUNA
CONFERENCE

REF: STATE 262673

1. FON OFF TODAY RESPONDED TO EMBASSY'S REPEATED REQUEST FOR RAPPOREUR'S REPORT OF PLENIPOTENTIARIES SAN JOSE MEETING OF SEPTEMBER 19-23. SPANISH TEXT STILL UNAVAILABLE BUT ENGLISH LANGUAGE TEXT OF REPORT FOLLOWS.

1. FINAL REPORT

THE MEETING WAS HELD 19-23 SEPTEMBER IN SAN JOSE, COSTA RICA.

AGENDA:

NO AGENDA WAS PREPARED BUT THE DELEGATIONS OF MEXICO AND COSTA RICA JOINTLY SUBMITTED A WORKING DOCUMENT "PRINCIPLES TO BE INCORPORATED IN A TREATY GOVERNING THE INTERNATIONAL CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN PACIFIC". (APPENDIX 1)

PARTICIPATING COUNTRIES:

REPRESENTATIVES FROM THE FOLLOWING COUNTRIES WERE PRESENT: CANADA, COSTA RICA, COLOMBIA, FRANCE, EL SALVADOR, HONDURAS, JAPAN, MEXICO, NICARAGUA, PANAMA AND THE UNITED STATES; OBSERVERS WERE PRESENT FROM PERU AND SPAIN. DELEGATES ARE LISTED IN APPENDIX 2.

UNCLASSIFIED

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PAGE 03 SAN JO 05058 01 OF 04 032236Z

OPENING:

DR. GONZALO J. FACIO, COSTA RICAN MINISTER OF FOREIGN AFFAIRS WELCOMED THE DELEGATES IN OPENING THE MEETING, AND OUTLINED THE PURPOSE OF THE CONFERENCE. HE NOTED THAT CONDITIONS GOVERNING THE MANAGEMENT AND COASTAL OF FISHERIES WERE CHANGING AND THAT EXISTING ARRANGEMENTS SUCH AS THE 1949 CONVENTION BETWEEN COSTA RICA AND THE UNITED STATES MUST CHANGE WITH THEM. A COPY OF DR. FACIO'S SPEECH IS APPENDED.

LIC. SANTIAGO ROEL, MINISTER OF FOREIGN AFFAIRS OF MEXICO AND CO-SPONSOR OF THE CONFERENCE, ALSO WELCOMED THE DELEGATIONS AND REVIEWED HIS COUNTRY'S POSITION AND OPINIONS ON THE NEED FOR A NEW CONVENTION AND THE NATURE OF SUCH A CONVENTION. HIS SPEECH IS ATTACHED AS APPENDIX 5.

ELECTION OF OFFICERS:

DR. FACIO WAS UNANIMOUSLY ELECTED CHAIRMAN OF THE CONFERENCE AND DR. CASTANEDA (MEXICO) VICE-CHAIRMAN AND MR. J.S. BECKETT (CANADA) RAPPOREUR.

CONSIDERATION OF COSTA RICA/MEXICO WORKING PAPER:

THE DELEGATION OF FRANCE NOTED THEIR APPRECIATION FOR THE EFFORTS OF THE AUTHORS IN PREPARING THE WORKING PAPER, AND CONSIDERED THAT IT NEEDED CAREFUL STUDY SINCE IT WOULD GIVE VERY GREAT POWERS TO AN INTERNATIONAL BODY.

THE U.S. DELEGATION ALSO CONGRATULATED THE AUTHORS AND NOTED THE NEED FOR TIME TO MAKE A DETAILED STUDY OF THE DOCUMENT. THEY PROPOSED THAT IN THE MEANTIME DR. JOSEPH, DIRECTOR OF INVESTIGATIONS FOR IATTC, REVIEW THE DOCUMENT "ALTERNATIVES FOR INTERNATIONAL MANAGEMENT OF TUNA RESOURCES," WHICH HAD BEEN PREPARED IN RESPONSE TO REQUESTS BY IATTC MEMBER NATIONS FOR A REVIEW OF THE PROBLEMS FACING THE PRESENT CONFERENCE.
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PAGE 04 SAN JO 05058 01 OF 04 032236Z

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PAGE 01 SAN JO 05058 02 OF 04 032245Z
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UNCLAS SECTION 2 OF 4 SAN JOSE 5058
UNCLASSIFIED

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PAGE 02 SAN JO 05058 02 OF 04 032245Z

THE DELEGATION OF MEXICO WELCOMED THE SUGGESTION OF THE USA, SINCE THE PRINCIPLES IN THE WORKING PAPER WERE DRAWN IN PART FROM DR JOSEPH'S DOCUMENT.

THE DELEGATION OF EL SALVADOR REFERRED TO THE JOINT WORKING PAPER AND NOTED DIFFICULTIES IN IT FOR HIS COUNTRY SINCE IN THE CASE OF EL SALVADOR THE REGIME COVERING THE 200 MILES ZONE WAS THAT OF THE TERRITORIAL SEA.

REVIEW OF IATTC DOCUMENT "ALTERNATIVES FOR INTER-NATIONAL MANAGEMENT OF TUNA RESOURCES":

DR JOSEPH, CO-AUTHOR WITH MR J GREENOUGHT, OF THE DOCUMENT, GAVE THE REVIEW. HE STARTED BY SUMMARIZING THE DISTRIBUTION AND MIGRATIONS OF THE VARIOUS TUNAS AND TUNA-LIKE SPECIES IN THE EASTERN PACIFIC, AND BY GIVING, FOR YELLOWFIN AND SKIPJACK, DETAILED INFORMATION ON CATCHES IN THE COASTAL ZONES OF INDIVIDUAL STATES. HE THEN EXAMINED THE PRINCIPLES NECESSARY FOR FISHERIES MANAGEMENT AND DWELT PARTICULARLY ON SYSTEMS TO ALLOCATE TOTAL ALLOWABLE CATCHES BETWEEN PARTICIPANTS.

THE USA DELEGATION THANKED DR JOSEPH AND COMMENTED WITH REGRET UPON THE ABSENCE FROM THE CONFERENCE OF SOME IMPORTANT TUNA FISHING NATIONS OF THE REGION. NOTING THAT TUNA ARE VERY IMPORTANT TO THE USA, WHERE IT COMPRISES SOME 25 PERCENT OF ALL FISH CONSUMED, THE DELEGATION STATED THAT PORPOISE ARE ALSO EXTREMELY IMPORTANT, AND THAT ANY NEW TREATY SHOULD INCLUDE PROVISIONS FOR MEANINGFUL CONSERVATION OF PORPOISE, PARTICULARLY SINCE IT APPEARED POSSIBLE TO ELIMINATE EVENTUALLY THE KILLING OF PORPOISE DURING TUNA FISHING OPERATIONS.

THE USA WAS WILLING TO MODIFY THE MANAGEMENT REGIME IN THE EASTERN

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PAGE 03 SAN JO 05058 02 OF 04 032245Z

TROPICAL PACIFIC BUT FELT THAT THE PRESENT SCHEME WAS WORKING WELL AND CAUTIONED AGAINST TOO RAPID CHANGE THAT MIGHT PREJUDICE THE ADVANCES MADE IN MANAGEMENT AND CONSERVATION. THE DELEGATION STATED FIVE PRINCIPLES THAT SHOULD BE INCLUDED IN ANY TREATY: 1) AN INTERNATIONAL ORGANIZATION RESPONSIBLE FOR OBJECTIVE SCIENTIFIC MANAGEMENT; 2) EQUITABLE DISTRIBUTION OF THE RESOURCE BETWEEN ALL PARTIES; 3) ADOPTING BY ALL PARTICIPATING NATIONS OF MEASURES TO REDUCE PROPOSED MORTALITY; 4) EFFECTIVE AND MEANINGFUL ENFORCEMENT; 5) REASONABLE AND UNIFORM FEES. THE US DELEGATION'S STATEMENT IS APPENDED 6.

FURTHER REVIEW OF MEXICAN/COSTA RICAN WORKING PAPER:

THE MEXICAN DELEGATION REVIEWED THE WORKING PAPER AND RELATED IT TO THE FIVE PRINCIPLES EXPRESSED BY THE USA DELEGATION. THEY NOTED THAT THERE WERE SEVEN CHAPTERS IN THE WORKING PAPER CONCERNING: PREAMBLE: CREATION OF A NEW INTERNATIONAL BODY AND MEMBERSHIP PROVISIONS; COGANS OF THE INTERNATIONAL BODY; PURPOSES INCLUDING

CONSERVATION OBJECTIVES, THE PRINCIPLE OF FULLY EXPLOITED FISHERIES; FISHING ACTIVITIES AND QUOTA ALLOCATIONS; TRANSITION PROVISIONS BETWEEN THE EXISTING AND FUTURE CONVENTIONS.

THE DELEGATION OF JAPAN EMPHASIZED THE NEED FOR INTERNATIONAL MANAGEMENT OF INTERNATIONAL FISHERIES SUCH AS TUNAS, NOTED THEIR WILLINGNESS TO STRENGTHEN THE MANAGEMENT REGIME AND CAUTIONED AGAINST CREATING A PRECEDENT WHEN THE LAW OF THE SEA CONFERENCE WAS STILL IN PROGRESS.

THE MEXICAN DELEGATION IN COMMENTING ON THE RANGE OF POSSIBLE ALLOCATION SCHEME GIVEN BY DR JOSEPH WONDERED WHY THE ALTERNATIVE OF ALLOCATION ACCORDING ONLY TO THE HISTORICAL CATCH BY A STATE IN ITS OWN ZONE HAD EVER BEEN CONSIDERED BECAUSE IT WAS NOT A VALID ALTERNATIVE FOR THEIR COUNTRY.

DR JOSEPH EXPLAINED THAT PARTICULAR SCHEME OF ALLOCATION HAD BEEN
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PAGE 04 SAN JO 05058 02 OF 04 032245Z

CHOSEN AS AN EXAMPLE OF THE LOWEST ALLOCATION THAT COULD BE REASONABLY BASED ON HISTORICAL DATA. IN RESPONDING TO ANOTHER QUESTION FROM THE VICE-CHAIRMAN, DR JOSEPH POINTED OUT THAT WHILE THE SCHEME OF ALLOCATIONS IN THE JOINT WORKING PAPER WOULD GUARANTEE TO A COASTAL STATE THE CATCH

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PAGE 01 SAN JO 05058 03 OF 04 040033Z
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UNCLAS SECTION 3 OF 4 SAN JOSE 5058
UNCLASSIFIED

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PAGE 02 SAN JO 05058 03 OF 04 040033Z

HISTORICALLY TAKEN BY ALL NATIONS IN ITS ZONE, THE OPPORTUNITY WOULD EXIST FOR THE COASTAL STATES FLEETS, SHOULD IT CATCH ITS QUOTA, TO COMPETE IN OPEN COMPETITION FOR ANY AMOUNTS REMAINING UNCAUGHT OF THE UNALLOCATED PORTION OF THE TAC.

DR JOSEPH NOTED THAT FULL ALLOCATION OF THE RESOURCE BETWEEN ALL PARTICIPANTS WAS A POSSIBLE ALTERNATIVE AND, IN RESPONSE TO A QUESTION FROM THE USA DELEGATION, NOTED THAT IN HIS OPINION THE USE OF HISTORICAL CATCH DATA WAS THE ONLY MEANS PRESENTLY FEASIBLE TO DIVIDE THE RESOURCE BETWEEN THE VARIOUS AREAS OF THE OCEAN.

DR JOSEPH ALSO ILLUSTRATED THAT A SYSTEM OF ALLOCATION TO COASTAL STATES BASED ON HISTORICAL CATCHES BY ALL NATIONS WOULD NOT RESULT IN UNDER UTILIZATION IF THE FLEET OF THAT COASTAL STATE WAS UNABLE TO CATCH THE FULL AMOUNT THAT MIGHT BE ALLOCATED TO THAT STATE. THE SURPLUS WOULD BE ESTIMATED AT THE BEGINNING OF THE YEAR AND AVAILABLE TO OTHER NATIONS.

THE CANADIAN DELEGATION INDICATED BASIC AGREEMENT WITH THE 5 PRINCIPLES ENUMERATED BY THE USA DELEGATION, EXPRESSED THEIR WILLINGNESS TO WORK TOWARDS A NEW TREATY, AND ADVOCATED CAUTION IN ORDER NOT TO LOSE THE ACHIEVEMENTS OF IATTC WHICH HAD IN FACT SERVED THE INTERESTS OF ALL NATIONS.

THE FOLLOWING DAY (21ST SEPTEMBER) THE USA DELEGATION PRESENTED THEIR PRELIMINARY COMMENTS (APPENDIX 7) ON THE JOINT WORKING PAPER. THEY NOTED THAT THE FIVE PRINCIPLES THEY HAD ENUMERATED EARLIER WERE INDEED REFLECTED. IN A STEP BY STEP ANALYSIS, THEY CONSIDERED THAT THE PREAMBLE SHOULD NOT BE USED FOR JURISDICTIONAL DISCUSSION, THAT APO NATIONS FISHING IN THE AREA SHOULD BE MEMBERS. THAT THE AREA OF THE NEW TREATY SHOULD BE THE SAME AS THAT OF THE IATTC CONVENTION AND THAT THE CYRA REMAINED VALID; THAT ALL TUNA SPECIES

UNCLASSIFIED

PAGE 03 SAN JO 05058 03 OF 04 040033Z

SHOULD BE SUBJECT TO SOUND INTERNATIONAL MANAGEMENT; THAT THE PROPOSED BASIS FOR ALLOCATION SHOULD BE CONSIDERED CAREFULLY, PARTICULARLY IN VIEW OF THE PRESENT FLEXIBLE SYSTEM THAT IN ITSELF IS A FORM OF PARTIAL ALLOCATION TO COASTAL STATES; THAT ENFORCEMENT PROVISIONS WERE VERY IMPORTANT AND THAT THE VERIFICATION OF FISHING AREAS AS WELL AS OF LUVLINGS SHOULD BE THE RESPONSIBILITY OF THE INTERNATIONAL BODY.

THE COSTA RICAN DELEGATION STRESSED THAT MARINE JURISDICTION AND THE DISTRIBUTION OF WEALTH HAVE CHANGED DRADICALLY IN RECENT YEARS AND THAT IT WAS ESSENTIAL TO ACKNOWLEDGE THESE CHANGES AND TO DEVELOP A NEW CONVENTION THAT TOOK THEM INTO ACCOUNT.

THE MEXICAN DELEGATION CONSIDERED THAT IT WOULD BE TIMELY TO

EXAMINE THE CONSEQUENCES OF RADICAL DISAGREEMENT, PARTICULARLY SINCE THE IATTC CONVENTION WAS TOTALLY UNSATISFACTORY IN NOT GUARANTEEING EQUITABLE DISTRIBUTION OF A COMMON RESOURCE AT A TIME WHEN VERY BROAD AGREEMENT WAS EMERGING ON A NEW LEGAL REALITY.

MQD PRESENT

CONFERENCE HAD BEEN CALLED BEFORE THE NEXT ANNUAL MEETING OF IAATC DESPITE PRESSURES TO DELAY UNTIL AFTER THE NEXT UNCLOS SESSION SINCE IT WAS ESSENTIAL THAT A START BE MADE IN REPLACING IAATC. THE MEXICAN GOVERNMENT'S POSITION WAS THAT IF NO AGREEMENT ON THIS WAS NOT FOUND IN THE NEAR FUTURE, MEXICO WOULD WITHDRAW FROM IAATC AND MANAGE THE TUNA RESOURCES OF THE COASTAL ZONE ON A UNILATECHL BASIS, EVEN IF THIS WOULD NOT BE THE MOST SATISFACTORY MEANS.

THE COSTA RICAN DELEGATION ALSO NOTED THEIR GREAT HOPES FOR A NEW TREATY AND THAT THEIR COUNTRY WOULD HAVE TO EXAMINE THE POSSIB-

ILITY OF WITHDRAWAL FROM IAATC IF THESE HOPES WERE NOT FULFILLED.

THE DELEGATIONS THEN DISCUSSED WAYS OF ACHIEVING PROGRESS IN THE DISCUSSIONS, POSSIBLY BY FORMING SMALL WORKING GROUPS TO EXAMINE VARIOUS PARTS OF A POSSIBLE NEW TREATY, BUT THE MEETING ADJOURNED, UNCLASSIFIED

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PAGE 04 SAN JO 05058 03 OF 04 040033Z

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PAGE 01 SAN JO 05058 04 OF 04 041321Z

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UNCLAS SECTION 4 OF 4 SAN JOSE 5058
UNCLASSIFIED

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PAGE 02 SAN JO 05058 04 OF 04 041321Z

NEW MEETING BETWEEN THE HEADS OF EACH DELEGATION. AT THIS MEETING IT WAS AGREED THAT TWO OR THREE MEMBERS FROM EACH DELEGATION WOULD GATHER IN AN INFORMAL GROUP TO CARRY OUT A PARAGRAPH BY PARAGRAPH REVIEW OF THE JOINT WORKING PAPER.

THE WORKING GROUP CARRIED OUT THE REVIEW OF THE JOINT MEXICAN/COSTA RICAN WORKING DOCUMENT AND PRESENTED A DRAFT REPORT TO A FULL MEETING OF DELEGATIONS. AFTER PARAGRAPH BY PARAGRAPH CONSIDERATION AND REVISION WHERE NECESSARY, THE REPORT WAS APPROVED (APPENDIX 9).

THE DELEGATION OF EL SALVADOR WISHED TO RECORD CERTAIN COMMENTS ON THE REPORT AND THESE ARE APPENDED TO IT.

A DRAFT FINAL DECLARATION WAS CONSIDERED AND ADOPTED (APPENDIX 10) IN WHICH THE PARTICIPATING DELEGATIONS DECLARED THEIR SATISFACTION IN THE PROGRESS ACHIEVED AND THEIR INTENTION TO MEET IN THE NEAR FUTURE.

AT THE CLOSING ACT THE ACTING MINISTER OF FOREIGN AFFAIRS, MR FERNANDO DEL CASTILLO, IN THE NAME OF THE COSTA RICAN GOVERNMENT AND THE MEXICAN DELEGATION EXPRESSED HIS GRATITUDE TO THE PARTICIPANTS AND OUTLINED THE FACT THAT THE CONFERENCE DEMONSTRATED THE POSSIBILITY OF REACHING AN AGREEMENT ON THE IMPORTANT

SCHEME OF CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN
PACIFIC. HE ADDED THAT THE NEXT SESSION OF THE CONFERENCE WILL BE
DEFINITE FOR THE PREPARATION OF THE NEW TREATY.
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Message Attributes

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